

Response

Applicant: Manoj K. Bhattacharyya et al.

Serial No.: 10/735,941

Filed: Dec. 15, 2003

Docket No.: 10014277-2

Title: MAGNETIC SHIELDING FOR MRAM DEVICES

REMARKS

The following remarks are made in response to the Office Action mailed May 5, 2005. Claims 13-20 and 22-38 were rejected. With this Response, claims no have been amended. Claims 13-20 and 22-38 remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 102 and § 103

Claims 13, 19-20, 23-24, 28, 30-38 stand rejected under 35 U.S.C. §102(e) as being anticipated by Tuttle et al. (U.S. Patent No. 2003/0132494).

Claim 22 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Tuttle et al. . (U.S. Patent No. 2003/0132494) in view of Shimada et al. (U.S. Patent No. 4,541,213).

Claims 14-18, 25-27, 29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tuttle et al. as applied to claims 13, 19-20, 23-24, 28, 30-38 above, and further in view of Shimada et al. (U.S. Patent No. 4,541,213) and Sharma (U.S. Patent No. 2003/0122789).

Tuttle et al. has a publication date of July 17, 2003 and a filing date of January 15, 2002. Accompanying this Amendment and Response is are Declarations of Prior Invention under 37 C.F.R. 1.131 by available joint inventors Manoj Bhattacharyya, Anthony Holden, and Sarah Brandenberger to establish conception of the subject matter of the present patent application prior to the filing date of January 15, 2002 of the Tuttle et al. U.S. Patent Application Publication No. 2003/0132494, coupled with due diligence from prior to the Tuttle et al. filing date to the filing date of the parent of the present patent application (i.e., constructive reduction to practice). Joint inventor Darrel Bloomquist is deceased (as evidenced by the submission under 37 CFR 1.42 submitted with the filing of parent application no. 10/125,095). As set forth in MPEP 715.04 (I), where it is shown that a joint inventor is deceased, the signatures of the remaining joint inventors are sufficient. Applicant, therefore, respectfully requests consideration of the Declaration of Prior Invention under 37 C.F.R. 1.131.

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In view of the above, Applicant submits that Tuttle et al. does not qualify as a reference under 35 U.S.C. 102(e) and, therefore, also does not qualify as a reference under 35 U.S.C. 103(a). Applicant, therefore, respectfully requests that the rejection of claims 13, 19-20, 23-24, 28, and 30-38 under 35 U.S.C. 102(e) and the rejection of claims 14-18, 22, 25-27, and 29 under 35 U.S.C. 103(a) be reconsidered and withdrawn, and that claims 13-20 and 22-38 be allowed.

CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 13-20 and 22-38 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 13-20 and 22-38 is respectfully requested.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

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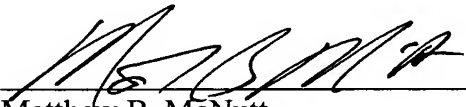
Respectfully submitted,

Manoj K. Bhattacharyya et al.,

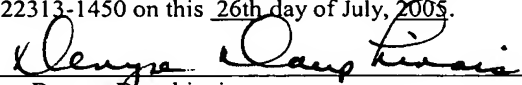
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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 26th day of July, 2005.

By 
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